

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CARLTON ROMAN,		:
		:
	Plaintiff,	:
-against-		:
		:
THE CITY OF NEW YORK; CATHERINE LOMUSCIO;		:
FRANCESCO CATARISANO; RICHARD SCHAEFFER;		:
ROBERT MASTERS; DETECTIVE JOHN LOGUERCIO		:
DETECTIVE WILLIAM PEPEY, DETECTIVE GERARD		:
FIORENZA, DETECTIVE LEONARD PALERMO,		:
LIEUTENANT JAMES LANE, POLICE OFFICER PATRICK		:
O'BRIAN, POLICE OFFICER DENIS BYRNE; and DOES		:
#1-10 being unknown employees of the City of New York, in		:
their individual and official capacities,		:
		:
		:
	Defendants.	:
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**PLAINTIFF'S INITIAL
DISCLOSURE
PURSUANT TO
FED.R.CIV.P. 26 (a) (1)**

1:22-cv-06681-NGG-CLP

Plaintiff Carlton Roman, by and through his attorney, James Henning, hereby makes the following initial disclosures pursuant to Federal Rule of Civil Procedure ("Fed.R.Civ.P.") 26(a)(1). As these disclosures are limited by the lack of discovery conducted to date, Plaintiff reserves the right to supplement and/or amend such disclosures. In addition, Plaintiff submits these disclosures without waiver of any applicable privilege or right to object to the admissibility at trial of any information contained in or derived from these disclosures.

A. Persons with Knowledge [Fed.R.Civ.P. 26(a)(1)(A)(i)]:

In addition to Plaintiff and the above-named individuals, the following are individuals likely to have discoverable information that Plaintiff may use to support his claims:

1. Arel Claudette Phillips
 - a. Address: see below.

- b. Contact information: see below.
- c. Subject of information: Plaintiff's mother.

2. District Attorney Melinda Katz

- a. Address: Queens County District Attorney's Office, 125-01 Queens Boulevard, Kew Gardens, New York 11415.
- b. Contact information: (718) 923-6300.
- c. Subject of information: directly involved with the Conviction Integrity Unit's re-investigation of Plaintiff's conviction.

3. Former Assistant District Attorney James Quinn

- a. Address: unknown.
- b. Contact information: unknown.
- c. Subject of information: former supervisor of Plaintiff's trial prosecutor.

4. Former Assistant District Attorney Alice Vachss

- a. Address: see below.
- b. Contact information: see below.
- c. Subject of information: former supervisor of Plaintiff's trial prosecutor.

5. Former Assistant District Attorney Spiros Tsimbinos

- a. Address: unknown.
- b. Contact information: unknown.
- c. Subject of information: former supervisor of Plaintiff's trial prosecutor.

6. Assistant District Attorney Christopher Blira-Koessler

- a. Address: Queens County District Attorney's Office, 125-01 Queens Boulevard, Kew Gardens, New York 11415.
- b. Contact information: (718) 923-6300.
- c. Subject of information: participated in Plaintiff's appeal.

7. Assistant District Attorney Bryce Benjet

- a. Address: Queens County District Attorney's Office, 125-01 Queens Boulevard, Kew Gardens, New York 11415.
- b. Contact information: (718) 923-6300.
- c. Subject of information: director of Conviction Integrity Unit, supervisor of Plaintiff's re-investigation.

8. Former Assistant District Attorney Alexis Celestin (now deceased)

- a. Address: n/a.
- b. Contact information: n/a.
- c. Subject of information: assigned prosecutor from the Conviction Integrity Unit to re-investigate Plaintiff's case in 2020.

9. Hollis Laylor a.k.a. Skinny/Slimman (now deceased)

- a. Address: n/a.
- b. Contact information: n/a.
- c. Subject of information: Plaintiff's co-defendant.

10. Anthony Thomas a.k.a. Jomo Kenyatta

- a. Address: see below.
- b. Contact information: see below.

- c. Subject of information: complaining witness.

11. Adair Johnson a.k.a. Tiger

- a. Address: Federal Correctional Institute, 2600 S US Highway 301, Jesup, GA 31599.
- b. Contact information: (912) 427-0870.
- c. Subject of information: complaining witness's brother.

12. Paul Anderson

- a. Address: see below.
- b. Contact information: unknown.
- c. Subject of information: prosecution witness.

13. Detective Investigator Pereline Kaalund

- a. Address: Queens County District Attorney's Office, 125-01 Queens Boulevard, Kew Gardens, New York 11415.
- b. Contact information: please contact Bilal Haider, Esq. at (212) 356-3549.
- c. Subject of information: assigned to re-investigate Plaintiff's conviction with the Conviction Integrity Unit in 2020.

14. Detective Investigator Ralph Maher

- a. Address: Queens County District Attorney's Office, 125-01 Queens Boulevard, Kew Gardens, New York 11415.
- b. Contact information: please contact Bilal Haider, Esq. at (212) 356-3549.
- c. Subject of information: assigned to re-investigate Plaintiff's conviction with the Conviction Integrity Unit in 2020.

15. Margaret Hall a.k.a. Andrea Witter

- a. Address: see below.
- b. Contact information: see below.
- c. Subject of information: widow of deceased victim Lloyd Witter.

16. Brian White

- a. Address: see below.
- b. Contact information: see below.
- c. Subject of information: known to multiple witnesses.

17. Detective Investigator Frank Torres

- a. Address: Queens County District Attorney's Office, 125-01 Queens Boulevard, Kew Gardens, New York 11415.
- b. Contact information: (718) 923-6300.
- c. Subject of information: Former Lieutenant in the N.Y.P.D.

18. Fern Kelly

- a. Address: see below.
- b. Contact information: see below.
- c. Subject of information: the mother of Plaintiff's only child.

19. Glenn McKenzie (now deceased)

- a. Address: n/a.
- b. Contact information: n/a.
- c. Subject of information: known to multiple witnesses.

20. Charmaine McKenzie

- a. Address: see below.
- b. Contact information: unknown.
- c. Subject of information: known to multiple witnesses.

21. Gregory Craig

- a. Address: unknown.
- b. Contact information: unknown.
- c. Subject of information: known to multiple witnesses.

22. Former N.Y.P.D. Detective Frank DeRosalia (retired)

- a. Address: unknown.
- b. Contact information: unknown.
- c. Subject of information: participated in the investigation of Plaintiff's co-defendant.

23. Former N.Y.P.D. Police Officer Kenneth Carmichael (retired)

- a. Address: see below.
- b. Contact information: see below.
- c. Subject of information: participated in the police investigation leading to Plaintiff's arrest.

24. Former N.Y.P.D. Detective Thomas Wray (retired)

- a. Address: see below.
- b. Contact information: see below.
- c. Subject of information: assigned detective's former colleague.

25. Detective Investigator Bernard Porter

- a. Address: Queens County District Attorney's Office, 125-01 Queens Boulevard, Kew Gardens, New York 11415.
- b. Contact information: (718) 923-6300.
- c. Subject of information: assigned detective's former colleague.

26. Anthony Chung a.k.a. Chungy

- a. Address: unknown.
- b. Contact information: unknown.
- c. Subject of information: interviewed by law enforcement during investigation leading to Plaintiff's arrest.

27. Former N.Y.P.D. Detective Edward Figurski (retired)

- a. Address: unknown.
- b. Contact information: unknown.
- c. Subject of information: responding officer to the crime scene who vouchered recovered property.

28. Delroy Ainsley Walker

- a. Address: unknown.
- b. Contact information: unknown.
- c. Subject of information: witness that testified in Plaintiff's defense at trial.

29. Howard Stewart a.k.a. Zoom

- a. Address: see below.
- b. Contact information: see below.
- c. Subject of information: known to multiple witnesses.

30. Kendall Pron, LMSW

- a. Address: 71 W 23rd Street, Fl. 7, New York, New York, 10010
- b. Contact information: (646) 759-1538
- c. Subject of information: Plaintiff's therapist

31. Confidential informant

In the interest of privacy, certain contact information for the above-named individuals is not included in this document. Contact information for any of the above-named individuals, if available, can be provided separately and directly to defense counsel. Further information regarding the above-named individuals' involvement with the instant matter is described in length in Plaintiff's settlement demand, submitted to defense counsel on April 11, 2023.

B. Documents [Fed.R.Civ.P. 26 (a)(1)(A)(ii)]

Plaintiff identifies the following categories of documents that are in his possession, custody or control, and that he may use to support his claims and/or defenses:

1. Court records, including appellate and habeas briefs, from Plaintiff's case by the Queens County District Attorney's Office,
2. N.Y.P.D. records and reports related to Plaintiff's prosecution,
3. Files obtained from the Conviction Integrity Unit at the Queen's County District Attorney's Office,
4. Records obtained through the Freedom of Information Law,
5. Appraisal report of economic loss,
6. Plaintiff's prison records,
7. Email correspondence with members of the Queens County District Attorney's Office, Assistant Attorney General Janet Polstein, and with witnesses,

8. Attorney handwritten and/or typed notes taken during the re-investigation of Plaintiff's conviction,
9. Transcripts from depositions taken in the case of Carlton Roman v. State of New York, Claim No: 136999 (formerly E21-2172), and from other cases involving Executive Assistant District Attorneys at the Queens County District Attorney's Office, and
10. Memoranda and reports from the Queens County District Attorney's Office

Please note that Plaintiff's therapist records have not been obtained by Plaintiff yet. If and when they become available, Plaintiff will disclose them.

Plaintiff emphasizes that this list is based upon preliminary review of documents and may not be exhaustive. Accordingly, Plaintiff reserves the right to supplement and/or amend this list as discovery progresses.

C. Damages Alleged [Fed.R.Civ.P. 26(a)(1)(A)(iii)]:

At this time, Plaintiff anticipates an award of attorney's fees, costs, and disbursements as well as damages, including, but not limited to the following. Please also see Plaintiff's settlement demand letter, which was provided to defense counsel on April 11, 2023.

Compensatory Damages: Approximate Amount to be Determined at Trial

- a. Loss of liberty, loss of freedom of movement and expression, loss of privacy, loss of freedom of association, loss of autonomy, and loss of right of self-determination,
- b. Mental and emotional suffering, and permanent and emotional harm that continues to this day, including but not limited to stress, anxiety, depression, sleep deprivation, and distrust and fear of police and the legal system,
- c. Loss of educational opportunities,

- d. Severe mental anguish, including the witnessing of brutality in prison,
- e. Loss of consortium with the mother of his only child, the ultimate destruction of his relationship with the mother of his only child, and deprivation of an opportunity to have a close relationship with his only child,
- f. Legal fees and expenses to collaterally attack his conviction, and
- g. Past and future lost income, in an amount to be determined by an economist in a report that will be provided.

**Punitive Damages: Approximate Amount to be
Determined at Trial**

D. Insurance Agreement [Fed.R.Civ.P. 26(a)(1)(A)(iv)]:

To Plaintiff's knowledge, no such insurance agreement under which an insurance business may be liable exists.

E. Expert Testimony [Fed.R.Civ.P. 26(a)(2)(A)]:

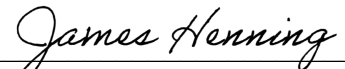
Plaintiff has not yet identified all experts who will be used at trial. Upon identification of such expert(s), Plaintiff will supplement this list.

However, at the present time Plaintiff may call as an expert witness Lara Bazelon and/or Kristin K. Kucsma, M.A.

Plaintiff reserves the right to supplement and/or amend these disclosures as discovery progresses and as additional information becomes available to the parties.

DATED: Brooklyn, New York
April 12, 2023

Respectfully Submitted,



JAMES HENNING, ESQ.

Attorney for Plaintiff
Law Offices of James Henning & Associates
86 Livingston Street
Brooklyn, NY 11201